



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 16, 1994

Ms. Evelyn Kramr
Wharton District Clerk
P.O. Drawer 391
Wharton, Texas 77488

OR94-439

Dear Ms. Kramr:

You have received a request under the Texas Open Records Act, Government Code chapter 552, for all transcripts of grand jury testimony taken in reference to Cause No. 10,894, *State of Texas v. Douglas McCall Holland*. You ask whether this information is subject to required public disclosure pursuant to the Open Records Act. We assigned your request ID# 25693.

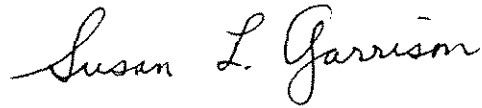
The Open Records Act does not apply to records of the judiciary. *See* Gov't Code § 552.003(b). Because the district clerk is responsible for maintaining records of lawsuits and other records of the judiciary, *id.* § 51.303, this office has held that the Open Records Act does not apply to the records of judicial proceedings maintained by the district clerk. Attorney General Opinions DM-166 (1992); H-826 (1976). Accordingly, the Open Records Act does not authorize a member of the public to request records of judicial proceedings from a district clerk.

However, even if records of judicial proceedings held by the district clerk were subject to the Open Records Act, grand jury testimony would be excepted from required public disclosure under section 552.101 of the Government Code, which excepts information made confidential by law. Article 20.02 of the Code of Criminal Procedure requires that grand juries deliberate in secret. Information that reveals the deliberations of grand juries is protected from required disclosure by section 552.101 of the Open Records Act. Open Records Decision No. 513 (1988) at 4.

Accordingly, the grand jury transcripts at issue here are records of the judiciary and not subject to the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in cursive script that reads "Susan L. Garrison".

Susan L. Garrison
Assistant Attorney General
Open Government Section

SLG/GCK/rho

Ref.: ID# 25693

cc: Mr. Charles A. Daughtry
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